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GOVERNOR

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# Revised

## Request for Proposals for the Homeland Security Assistance for Non-Profit Organizations Program

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## I. Program Overview

Under the fiscal year 2005 Homeland Security Program, California received \$5,121,336, for high-density urban area grants to 501(c)(3) nonprofit organizations that are determined to be at risk of terrorist attack. If your organization is exempt under the IRC from having to file with the IRS for approval or recognition of its Internal Revenue Code (IRC) 501 (c)(3) tax-exempt status, enter the reason for the exemption. The United States Department of Homeland Security, Office of Domestic Preparedness, allocated this funding to, the urban areas through the state administrative agent based upon the criteria used to determine UASI funding allocations, which include credible threat, presence of critical infrastructure, vulnerability, population, population density, law enforcement investigative and enforcement activity, and the existence of formal mutual aid agreements.

The California Office of Homeland Security (OHS) will be coordinating the request for proposal (RFP) process for nonprofit organizations. The State of California, in coordination with its Urban Area Working Groups (UAWGs), will determine eligibility and selection criteria for nonprofit organizations in each eligible urban area. A selection team composed of representatives from the state and each urban area receiving funds for nonprofits under the Urban Area Security Initiative (UASI) grant will be responsible for determining which applications are funded and the amount of funding. Please see Section V for a list of the eligible UASI regions.

## II. Selection and Award Process

This funding is available for the protection of nonprofit organizations located within the urban areas from terrorist attacks. For this Request for Proposal process the following process will be used to determine eligible grantees:

1. Any eligible grantee will fill out the Non-Profit Organizations application form and submit the relevant tax or other forms to guarantee their nonprofit status (501(c)(3)) or the reason their organization is exempt under the IRC from having to file with the IRS for approval or recognition of its IRC 501 (c) (3) tax-exempt status.
2. Eligible nonprofit organizations will submit their applications to OHS by August 1 2005. Applications should be postmarked no later than the final filing date and submitted to:

The Governors Office of Homeland Security  
State Capitol  
Sacramento, CA 95814

3. The State will collect all applications and convene the selection team.
4. The joint State/UAWG selection team will rate each application proposal and determine which nonprofit applications will be awarded funding. Potential members of the application review team may include, but are not limited to, representative(s) from the following organizations:
  - State of California
  - Anaheim UAWG
  - Los Angeles UAWG
  - San Francisco UAWG
  - San Diego UAWG

**Note: No nonprofit entity can be awarded more than \$100,000 of funding.**

5. The selection team will forward a list of the grantees that they have selected for funding to CA OHS by September 15, 2005.

### III. Criteria for Selection

In making the selections of nonprofit entities for funding, the selection team will consider the following criteria:

- Threats from U.S. Department of State designated international terrorist organizations (<http://www.state.gov/s/ct/rls/fs/2004/37191.htm>) against any group of United States citizens who operate or are the principal beneficiaries or users of the nonprofit organization.
- Prior attacks, within or outside the United States, by international terrorist organizations against the nonprofit organization or entities associated with or similarly situated as the nonprofit organization symbolic value of the site(s) as a highly recognized national cultural or historical institution that renders the site a possible target of international terrorism.
- The role of the nonprofit organization in responding to international terrorist attacks
- Previously conducted threat and/or vulnerability assessments. NOTE: All Risk and vulnerability assessments will be the responsibility of applicants.
- Increased threats to specific sectors and/or areas.

Awards will be made on the basis of priority scoring by the selection team and the availability of funds. The selection team will give significant emphasis to:

- Risk and Vulnerability: The extent to which the applicant provides information that describes the risk and vulnerability of the nonprofit organization. This should include, but not limited to, a summary of previous threats received by the organization both nationally and locally, summary of incidents that have occurred nationally and locally, peak number of employees in the facility, and results of previous risk and vulnerability assessments.
- Program plan: Extent to which the applicant presents a clear, detailed plan for implementation, with information that illustrates the capacity of the purchased equipment to either mitigate or prevent a terrorist incident. The plan should be consistent with objectives put forth by the US Department of Homeland Security guidelines for target hardening.
- Budget: The extent to which the applicant presents a detailed budget and is consistent with the requirements of the "Authorized Program Expenditures" section and any other information to demonstrate that the request for assistance is consistent with the purpose and objectives of this program.

The selection team will also consider the following criteria:

- Current effort: The extent to which the applicant describes any current security enhancements and physical target hardening activities underway or contemplated by the nonprofit organization.
- Program objectives: The extent to which the project objectives are clear and measurable within the performance period. (July 1, 2005 – December 31, 2006)
- Description of the nonprofit organization: The extent to which the application clearly identifies the nonprofit organization covered by the proposed security activities

- Project management and staffing: The extent to which the roles and responsibilities of key personnel and organizations for conducting the proposed activities are clearly described, including adequate administrative support to perform the project.

## IV. Funding Breakdown for California

Urban Area	Amount of Non-Profit Funding
Anaheim	\$114,490
San Francisco	\$935,551
Los Angeles	\$3,750,000
San Diego	\$320,885

## V. Eligible Applicants

Only eligible nonprofit entities that reside in one of the eligible urban areas are eligible for funding in this request for proposal process. All security enhancements must be to facilities located within the applicable urban area. Eligible urban areas are defined below:

Urban Area	Description
Anaheim	In the state of California within the boundaries of Buena Park, Cypress, Fullerton, Garden Grove, Orange, Placentia, Yorba Linda, La Habra, La Palma, Seal Beach, Brea, Villa Park, Stanton, Los Alamitos, Westminster, Midway City, Rossmore and CA State University Fullerton
San Francisco	In the state of California within the boundaries of the City and County of San Francisco, the County of Marin, the County of San Mateo and the Golden Gate Bridge District
Los Angeles	In the state of California within the boundaries of the Core City of Los Angeles, Core County of Los Angeles and the following contiguous cities to the Core City: Alhambra, Beverly Hills, Burbank, Commerce, Culver City, El Segundo, Glendale, Hawthorne, Inglewood, Monterey Park, Pasadena, San Fernando, Santa Monica, Torrance, Vernon, and West Hollywood.
San Diego	In the state of California within the boundaries of San Diego County, including its incorporated cities and towns and special districts.

## VII. Allowable Costs

### Security Enhancements

Funding for expenditures to protect nonprofit organization's facilities, located within the urban areas, from terrorist-related attacks may only be allocated for target hardening, which includes the acquisition and installation of security equipment, such as surveillance cameras, in real property (including buildings and improvements) owned or leased by the nonprofit organization, specifically in response to the risk of a terrorist incident.

This equipment is limited to items on the "Allowable Equipment Costs" list set forth in the UASI Authorized Equipment List (AEL). From the AEL, only those items identified as enhancing physical security may be purchased. (See Appendix A) The full AEL can be accessed at <http://www1.rkb.mipt.org/>. If you have questions regarding the eligibility of equipment, please contact the program technical assistance officer listed in this guidance. Maintenance and administrative costs are not allowed through this grant program.

## VIII. Supplanting

Federal funds may not supplant, replace, or offset state or local funds, but will be used to supplement the amount of funds that, in the absence of federal funds, would be made available for purposes consistent with the Homeland Security Grant Program.

## IX. Application Content

**Note: Every effort will be made to protect the contents of applications. However, Applications become public documents when submitted – subject to disclosure under the CA Public Records Act. Contact the individuals listed in Section XIV for information on handling of security-sensitive documents such as vulnerability assessments in connection with applications under this RFP.**

Applicants may request support of up to \$100,000 for target hardening of their facility. Each nonprofit organization may submit only one application for funding. Applicants should use the information in the "Evaluation Criteria" section to develop the application. Applications will be evaluated based on the criteria listed, so it is important the application clearly and completely address these requirements. The application consists of two parts. Part I is a cover sheet and narrative. It should be no more than 10 single-spaced pages (not including cover sheet). Part 2 is the statement of work and associated budget spreadsheet, grant assurance certificates, and applicant-provided items such as letters of support and other similar supporting information.

All pages of the application must be single-spaced, printed on one side, with one-inch margins and a font size of 11 or larger on white 8.5" x 11" paper and be clearly numbered.

The required original application and two (2) full copies must be submitted unstapled and unbound. Do not submit any bound or stapled materials (e.g., pamphlets, booklets, etc.) in the appendices. The entire application must be able to run through an automatic document feed copier.

Applicants must completely fill out the attached cover sheet and address the following information in the narrative portions of their application:

1. Describe the nature, extent and time line for the physical security enhancements that you propose to make with grant funds at each site or facility.
2. Describe the type of services provided by your organization at each site or facility, the hours of operation, the number of persons served and the number of employees at the location on an average business day.
3. Describe the type and amount of any hazardous materials stored at each site or facility.
4. Describe the type and extent of security provisions that currently exist at each site or facility. (See public disclosure note above)
5. Specify the amount of the annual operating budget of your nonprofit organization and the amount of funding designated for security at each site or facility.
6. Describe the impact on your organization and others if each site or facility were temporarily or permanently closed due to a terrorist attack.

7. Describe the nature and extent of threats from US. Dept. of State designated international terrorist organizations against any group of US. Citizens who operate or are the principal beneficiaries or users of programs and services offered by your nonprofit organization. Also describe any such threats against functional sectors or geographic areas in which each site or facility is located. Provide details regarding the threats, including the date and time received, who and how received, how it was handled, to which law enforcement agency you reported the threat or reported the threat to you, etc. Attach a copy of any official police report issued as a result of the threats to this application.
8. Describe the nature and extent of any prior international terrorist attacks, within or outside the United States, against your nonprofit organization or entities associated with or similarly situated as your organization. Provide details regarding the attacks, including the date, time and place of the attacks, results of the attacks in terms of casualties, damages and program interruption, individual or group responsible, law enforcement agency involved, arrests made, actions taken, etc. Attach a copy of any official police report issued as a result of the attacks to this application.
9. Describe any symbolic value of each site or facility as a national cultural or historical institution.
10. Describe the formal role(s) that your nonprofit organization would have, if any, involving each site or facility, during an international terrorist attack.
11. Describe the results of any threat and/or vulnerability assessment conducted of each site or facility. Include the date the assessment was conducted, as well as the name, address and phone number of the organization that conducted the assessment. Attach a copy of any report issued as a result of the assessment to this grant application. The threat and/or vulnerability assessment is the responsibility of the applicant.
12. Detailed Statement of Work (SOW) and schedule for planned security enhancements. This requirement is the SOW required in Part 2 of the application. NOTE: Your SOW MUST INCLUDE prioritization of enhancements. The amounts of funding are limited. **It is to your advantage to list enhancements as "stand alone" enhancements or groups of enhancements so that your highest priorities may be funded if there are not sufficient funds to award the total amount that you are requesting. Failure to list enhancements in this manner may lead to disqualification of your application if the total amount of your request cannot be funded.**
13. 501(c)(3) determination letter issued from the IRS NOTE: If your organization is exempt under the IRC from having to file with the IRS for approval or recognition of its IRC 501 (c) (3) tax-exempt status, enter the reason for the exemption.
14. Copy of the organization's most recent audit.
15. For applicants that are corporations, a current certificate of good standing, issued by the California Secretary of State's Office or issued by the state where the applicant is incorporated. California corporations may obtain certificates through any office of the California Secretary of State. If such a certificate cannot be provided, please explain the reason.

16. Disclose whether or not the applicant is applying for any other homeland security PNP UASI grants throughout the country.
17. Signed copies of the grant assurances attached to this RFP as Appendices B, C and D.

## **X. Suspension Or Termination Of Funding**

The California Office of Homeland Security may suspend or terminate funding, in whole or in part, or impose other measures for any of the following reasons:

- Failing to make satisfactory progress toward the goals, objectives, and / or performance measures set forth in the grant proposal.
- Failing to follow grant agreement requirements or standard or special conditions.
- Proposing or implementing substantial plan changes to the extent that, if originally submitted, the application would not have been selected for funding.
- Failing to submit required reports.
- Filing a false certification in this application or other report or document.

Before taking action, the State Administrative Agent will provide the grantee with reasonable notice of intent to impose measures and will make efforts to resolve the problem informally.

## **XI. Semi-Annual Progress Reports**

Applicants will be required to submit two types of reports: 1) semi-annual narrative progress reports that contain specific information regarding the activities carried out under this grant program, and 2) aggregate level data information on project implementation. These reports will be in a format and on a schedule provided by the granting agency.

## **XII. REQUESTS FOR REIMBURSEMENT**

Reimbursements will only be made for actual expenses. Reimbursements will be made on a semi-annual basis unless otherwise agreed between the granting agency and the grantee. All requests for reimbursement must include supporting documentation to substantiate claimed expenses. Accurate and clear expenditure information will be required before reimbursement is made. Reimbursements are made only for equipment purchased and / or services performed during the grant period. Payments will be withheld if any Progress Report is outstanding.

## **XIII. Grant Assurances**

Grantees must agree to certain conditions required by state and federal law. These conditions include: maintenance of a drug-free workplace; prohibition against allowing persons debarred or suspended from receiving grant funds; and prohibition from using funds for lobbying members of Congress. Recipients are required to comply with several federal civil rights laws, including Title VI of the Civil Rights Act of 1964, as amended. These laws prohibit discrimination on the basis of race, color, religion, national origin, and sex in the delivery of services. National origin discrimination includes discrimination on the basis of limited English proficiency.

To ensure compliance with Title VI, recipients are required to take reasonable steps to ensure that LEP persons have meaningful access to their programs. Meaningful access may entail providing language assistance services, including oral and written translation, where necessary. Grantees are encouraged to

consider the need for language services for LEP persons served or encountered both in developing their proposals and budgets and in conducting their programs and activities. Reasonable costs associated with providing meaningful access for LEP individuals are considered allowable program costs. For additional information, please see <http://www.lep.gov>.

## **XIV. Where to Receive Additional Pre-award Information**

For questions regarding authorized expenditures under the grant, authorized equipment, grant assurances:

Mr. Larry Davis

The Governor's Office of Homeland Security

State Capitol

Sacramento CA 95814

Telephone: (916) 324-8908 Fax: (916) 323-9633 e-mail: [larry.davis@ohs.ca.gov](mailto:larry.davis@ohs.ca.gov)

For questions regarding local UASI boundaries, reimbursement schedules and other local issues:

Anaheim

Lt. Chuck O'Connor

City of Anaheim Office of Homeland Security

425 S. Anaheim Blvd

Telephone: (714) 765-3879, Fax: (714) 765-3880; email: [coconnor@anaheim.net](mailto:coconnor@anaheim.net)

Los Angeles

Kimberly Bayer, Grant Specialist

200 N. Spring St, M175

Los Angeles, CA 90012

Telephone: 213-978-0707, Fax: (213) 978-0718, e-mail: [kbayer@mayor.lacity.org](mailto:kbayer@mayor.lacity.org)

San Francisco

Wayne Hess

Office of Emergency Services and Homeland Security

1011 Turk Street

San Francisco, CA 94102

Telephone: (415) 558-2734, Fax: (415) 431-7500, e-mail: [wayne.hess@sfgov.org](mailto:wayne.hess@sfgov.org)

San Diego

Bill Norris, Program Manager

City of San Diego Office of Homeland Security

1250 Sixth Avenue, Ste. 1000A

Telephone: (619) 533-6762, Fax: (619) 533 6786, e-mail: [wnorris@sanidiego.gov](mailto:wnorris@sanidiego.gov)

## Application Coversheet

### Homeland Security Assistance for Non-Profit Organizations Application – Part I Cover Sheet

**Instructions:** Please complete this application *Coversheet*. Please be sure to attach any previously conducted threat or vulnerability assessments for your organization. *Attach the narrative portions of the application as described above* and do not forget to complete Part 2 of the application (prioritized SOW and budget).

**1. Name of Non-Profit Organization:**

---

**2. Agency Size:**

Number of full time employees \_\_\_\_\_ Number of part-time employees \_\_\_\_\_

Number of volunteers \_\_\_\_\_

**3. Federal Funds Requested: \$**\_\_\_\_\_

4. Program Start Date: July 1, 2005      Program End Date: December 31, 2006

5. Applicant's Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Program Contact/Phone number \_\_\_\_\_ / (\_\_\_\_) \_\_\_\_\_  
E-mail \_\_\_\_\_ FAX number (\_\_\_\_) \_\_\_\_\_

6. Fiscal Contact/Phone number \_\_\_\_\_ / (\_\_\_\_) \_\_\_\_\_

7. Applicant Agency Federal Tax Identification Number: \_\_\_\_\_

8. Authorized Official for the Applicant Agency; \_\_\_\_\_

9. Signature of authorized official: \_\_\_\_\_

**Homeland Security Assistance for  
Non-Profit Organizations Application – Part 2**

**Insert Detailed prioritized Statement of Work**

Please use the “Non-Profit Organization Application Part II” Excel Spreadsheet and insert it here in your return package.

## **APPENDIX A**

# **FY 2005 AUTHORIZED EQUIPMENT LIST (AEL)**

FY 2005 Urban Areas Security Initiative Grant Program Application

## Fiscal Year 2005 Authorized Equipment List

### **Physical Security Enhancement Equipment**

<b>AEL Ref No</b>	<b>Title / Description</b>
-------------------	----------------------------

SHSP/ LETPP MMRS EMPG VASI

#### **(14.1) Surveillance, Warning, Access/Intrusion Control**

##### **(14.1.1) General**

- |                  |  |
|------------------|--|
| <b>14.1.1.1</b>  | <b>Systems, Motion Detection</b><br><br>Acoustic; Infrared; Seismic; Magnetometers                       |
| <b>14.1.1.2</b>  | <b>Barriers: Fences; Jersey Walls</b>  |
| <b>14.1.1.3</b>  | <b>Doors and Gates, Impact Resistant</b>   |
| <b>14.1.1.4</b>  | <b>Portal Systems; locking devices for access control</b>  |
| <b>14.1.1.5</b>  | <b>Systems, Alarm</b>  |
| <b>14.1.1.6</b>  | <b>Video Assessment</b><br>Video Assessment System/Cameras: Standard, Low Light, IR, Automated Detection |
| <b>14.1.1.7</b>  | <b>Systems, Personnel Identification</b><br>Visual; Electronic; Acoustic; Laser; Scanners; Ciphers/Codes |
| <b>14.1.1.8</b>  | <b>Systems, Vehicle Identification</b><br>Visual; Electronic; Acoustic; Laser; Radar                     |
| <b>14.1.1.9</b>  | <b>X-Ray Units</b>   |
| <b>14.1.1.10</b> | <b>Magnetometers</b>   |

##### **(14.1.2) Waterfront**

- |                 |   |
|-----------------|---|
| <b>14.1.2.1</b> | <b>Systems, Radar</b>                         |
| <b>14.1.2.2</b> | <b>System, Diver/Swimmer Detection; Sonar</b> |
| <b>14.1.2.3</b> | <b>Equipment, Hull Scanning</b>               |
| <b>14.1.2.4</b> | <b>Barriers, Vessel</b>                       |

#### **(14.2) Explosion Protection**

- |               |  |
|---------------|--|
| <b>14.2.1</b> | <b>Systems, Blast/Shock/Impact Resistant</b> |
|---------------|--|

**14.2.2**            **Wraps, Column and Surface; Breakage/Shatter Resistant Glass; Window Wraps**

**14.2.3**            **Trash Receptacles, Bomb-Resistant**

Bomb-resistant trash receptacles. (NOTE: No standard currently exists for these products. Grantees are advised to carefully review vendor specifications and test results prior to purchase.)

**(14.3) Support Equipment for Continuation of Critical Infrastructure Operations**

**14.3.1**            **Fuel storage containers**

**14.3.2**            **Sensors and Alarms, Self-Monitoring**

**14.3.3**            **Back-up operating computer hardware and programming software for contingency operations**

## APPENDIX B

### AFFIDAVIT OF NON-COLLUSION

I, \_\_\_\_\_ (Name of Proposer),  
declare:

1. That I am authorized to submit this bid or proposal on behalf of  
\_\_\_\_\_ (name of contractor), and,
2. That the bid is genuine, not a sham or collusive, nor is it made in the interest of, or on behalf of, any person not herein named; and no one has directly or indirectly induced or solicited any other bidder or proposer to put in a sham bid, or any other person, firm or corporation to refrain from bidding and no one has in any manner sought by collusion to secure for himself/herself an advantage over any other bidder or proposer.

I declare under penalty of perjury that the foregoing is true and correct.

\_\_\_\_\_  
Signature

Executed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_, California

## APPENDIX C

### **CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION LOWER TIER COVERED TRANSACTIONS**

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 24 CFR Part 24 Section 24.510, Participants' responsibilities.

#### **(READ ATTACHED INSTRUCTIONS FOR CERTIFICATION BEFORE COMPLETING)**

1. The prospective recipient of Federal assistance funds certifies that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
2. Where the prospective recipient of Federal assistance funds is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

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AGREEMENT NUMBER

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CONTRACTOR/BORROWER/AGENCY

---

NAME AND TITLE OF AUTHORIZED REPRESENTATIVE

---

SIGNATURE

---

DATE

**INSTRUCTIONS FOR CERTIFICATION**

1. By signing and submitting this document, the prospective recipient of Federal assistance funds is providing the certification as set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective recipient of Federal assistance funds knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective recipient of Federal assistance funds shall provide immediate written notice to the person to which this agreement is entered, if at any time the prospective recipient of Federal assistance funds learns that its certification was erroneous, when submitted or has become erroneous by reason of changed circumstances.
4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549.
5. The prospective recipient of Federal assistance funds agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective recipient of Federal assistance funds further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Procurement or Non-Procurement Programs.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under Paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

**APPENDIX D****CERTIFICATION REGARDING LOBBYING**  
**Certification for Contracts, Grants, Loans**  
**and Cooperative Agreements**

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL "Disclosure Form to Report Lobbying" in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.
4. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352 Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

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AGREEMENT NUMBER

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CONTRACTOR/BORROWER/AGENCY

---

NAME AND TITLE OF AUTHORIZED REPRESENTATIVE

---

SIGNATURE

---

DATE

## APPENDIX E

### CERTIFICATION REGARDING DRUG FREE WORKPLACE ACT REQUIREMENTS

The Contractor certifies that it will provide a drug-free workplace, in accordance with the federal Drug-Free Workplace Act of 1988 (41 USC 701 et seq.), 28 CFR Part 67; and the California Drug-Free Workplace Act of 1990, CA Gov't Code §§ 8350-8357:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the Contractor's workplace and specifying the actions that will be taken against employees for violation of such prohibition.
2. Establishing a drug-free awareness program to inform employees about:
  - a. The dangers of drug abuse in the workplace;
  - b. The Contractor's policy of maintaining a drug-free workplace;
  - c. Any available drug counseling, rehabilitation and employee assistance programs; and
  - d. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
3. Making it a requirement that each employee to be engaged in the performance of the WIA program be given a copy of the statement required by paragraph 1. above.
4. Notifying the employee in the statement required by paragraph 1. that, as a condition of employment under the WIA program, the employee will:
  - a. Abide by the terms of the statement, and
  - b. Notify the Contractor of any criminal drug statute convictions for a violation occurring in the workplace no later than five days after such conviction.
5. Notifying the granting agency within ten days after receiving notice under subparagraph 4. b. from an employee or otherwise receiving actual notice of such conviction.
6. Taking one of the following actions, within 30 days of receiving notice under subparagraph 4. b. with respect to any employee who is so convicted:
  - a. Taking appropriate personnel action against such an employee, up to and including termination, or
7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of the provision of this certification.

AGREEMENT NUMBER \_\_\_\_\_

\_\_\_\_\_  
CONTRACTOR/BORROWER/AGENCY

\_\_\_\_\_  
NAME AND TITLE OF AUTHORIZED REPRESENTATIVE

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE